

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday January 22, 2018
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Victoria Ross
Diana Bonn
Gary Odell
Gregory Kenny

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Jodi Stein, Board Advisory Counsel, Office of the Attorney General

ELECTION OF OFFICERS

A motion was made and seconded to elect D. Weisheit as the President, G. O'Dell as the liaison to the Office of the Attorney General for Barber matters and D. Bonn as the liaison to the Office of the Attorney General for non-barber matters for 2018.

D. Bonn/G. O'Dell
5/0/0
Motion carried.
Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

A motion was made and seconded to elect V. Ross as the Vice President for 2018.

D. Bonn/G. O'Dell
5/0/0
Motion carried.
Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

D. Bonn/V. Ross
5/0/0
Motion carried.
Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

ADOPTION OF THE MINUTES OF THE NOVEMBER 20 2017 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the November 20, 2017 meeting.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

ADMINISTRATIVE HEARINGS:

1. Administrative Show Cause Hearing: Sharper's Image, BS21000039, 2014SBCBE0019

A motion was made and seconded to continue the probation with no right to petition for removal for one year and to impose a fine of \$1000 for each of the unlicensed practice and sanitation violations and \$500 for the no pets violation for a total of \$2500 to be paid within 6 months, and require the salon pass inspection prior to petitioning for removal of probation.

G. Kenny/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. Administrative Show Cause Hearing: Teresa's Nails & Spa, MS31200077, 2014SBCBE0039

A motion was made and seconded to continue the probation with no right to petition for removal for a period of one year, impose a fine of \$1000 for each of the 5 violations to be paid within six months, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and require the salon pass inspection prior to petitioning for removal of probation.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

3. Administrative Show Cause Hearing: David Morris, BA10900140 (Revoked) 2017SBCBE0057

A motion was made and seconded to hold Respondent in Default.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

A motion was made and seconded to issue a Notice to Cease and Desist unlicensed beauty culture practice.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

4. Administrative Hearing: Xuan T. Nguyen, BC21600329, 2017SBCBE0176

A motion was made and seconded to issue a Notice of Proposed Default.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

5. Administrative Hearing: Sassy Nail & Spa, BS91400745, Amy Uyen Ha, BC20908381, 2017SBCBE0106

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for a period of one year, impose a fine of \$1000 for each of the five violations for a total of \$5000 for Sassy Nail & Spa, impose a fine of \$1000 for Amy Uyen Ha, both to be paid within 6 months, impose the costs of the proceedings, and impose the \$5.00 fee to the health records and personal identifying information protection trust fund. Require the salon pass inspection prior to petitioning for removal of probation.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

6. Administrative Hearing: A Cut Above, BS89000764, Rebecca Sue Fry, BC08606072, 2017SBCBE0107

A motion was made and seconded to find both Respondents in Default.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

A motion was made and seconded to find Respondent Fry in violation of 3 counts and Respondent A Cut Above in violation of 7 counts, impose a fine of \$1000 for each violation for a total of \$10,000 to be paid within 6 months, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and revoke both licenses.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

7. Administrative Hearing to Modify Probation: Holly Celeste Lemm, BC21011996, 2013SBCBE0092

A motion was made and seconded to issue a Notice of Proposed Dismissal.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

8. Administrative Hearing to Modify Probation: Juan Moreno, BC20300872, 2015SBCBE0059

A motion was made and seconded to withdraw probation.

V. Ross/D. Bonn

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

9. Administrative Hearing to Modify Probation: Daniel L. Love-Thompson, BC21601390, 2016SBCBE0124

A motion was made and seconded to issue a Notice of Proposed Dismissal.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

10. Administrative Hearing to Modify Probation: The Right Touch, BS29600101, 2017SBCBE0101

A motion was made and seconded to issue a Notice of Proposed Dismissal.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

11. Administrative Hearing to Modify Probation: Design 414, BS30500061, 2017SBCBE0083

A motion was made and seconded to withdraw probation.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

12. Administrative Hearing to Modify Probation: Heather Hoover, ES21600358, 2016SBCBE0103

A motion was made and seconded to issue a Notice of Proposed Dismissal.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

CONSIDERATION OF PROPOSED AGREED CEASE AND DESIST ORDER

1. Tracey Westmoreland aka Tracey Minks, Indyminks Lash Studios, 2017SBCBE0174

A motion was made and seconded to accept the proposed agreed cease and desist agreement.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL

1. A Plus Nails, MS31003912

A motion was made and seconded to approve renewal on indefinite probation and may not petition for removal of probation until the salon has passed inspection.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. Hair Repair, BS80335372

A motion was made and seconded to approve renewal on indefinite probation and may not petition for removal of probation until the salon has passed inspection.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

3. Nail Pro, MS31003561

A motion was made and seconded to approve renewal on indefinite probation and may not petition for removal of probation until the salon has passed inspection.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

4. Nail Reflections, BS91400043

A motion was made and seconded to renew the license and continue probation with no right to petition for removal for five years and refer the matter to the Office of the Attorney General since the salon has failed inspection while on probation.

V. Ross/D. Bonn

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT

1. Dondra Campbell, BC02331558

A motion was made and seconded to approve reinstatement.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. Samantha Condit, BC20909785

A motion was made and seconded to deny reinstatement for failure to appear.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

3. Jessica Schmidt, BC20101376

A motion was made and seconded to approve reinstatement.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

4. Kailey Kent, BC21400638

A motion was made and seconded to deny reinstatement for failure to appear.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

5. Holly Mitchell, BC21301620

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for withdraw until released from criminal probation.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

6. Cassandra Sparks, BC21301521

A motion was made and seconded to approve reinstatement.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

7. Henry Washington, BA11400075

A motion was made and seconded to deny reinstatement for failure to appear.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

A motion was made and seconded to withdraw the previous motion because he appeared before the meeting adjourned.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

A motion was made and seconded to approve the license on indefinite probation with no right to petition for removal until released from the criminal matter.

V. Ross/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

CONSIDERATION OF NOTICES OF PROPOSED DISMISSAL

1. Patricia Matly, BC09201611, 2016SBCBE0044

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. Whitney Sandlin, BC21601693, 2016SBCBE0175

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

3. Bliss...Bronze and Blondz, TP21700380, 2017SBCBE0109

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

4. Justina Trinette Coleman, BC21302360, 2013SBCBE0123

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

5. Maureen Mosher, ES21600104, 2016SBCBE0035

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

6. Desiree Johnson, BC21102036, 2016SBCBE0182

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

7. Jessica Nichole Cinciripini, 2017SBCBE0179

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

8. Ling Mong Thuy Do, 2017SBCBE0178

A motion was made and seconded to dismiss the matter.

V. Ross/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

1. Ha Thi Thanh Nguyen, 2017SBCBE0078

A motion was made and seconded to accept the Order.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. T & N Nails, 2017SBCBE0110

A motion was made and seconded to accept the Order.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

3. Ly Ly Thi Nguyen, 2017SBCBE0108

A motion was made and seconded to accept the Order.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

4. Danielle N. Sellers, BC20908639, 2017SBCBE0182

A motion was made and seconded to accept the Order.

D. Bonn/G. O'Dell

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

CONSIDERATION OF APPLICATION FOR WAIVER OF THREE YEAR DEADLINE TO PASS THE EXAMINATION AFTER GRADUATION

1. Imaikalani Dominguez

A motion was made and seconded to deny the request for lack of good cause and the fact that she is a licensed instructor and should have been familiar with the requirement.

D. Bonn/G. Kenny

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

2. Venus Grant

A motion was made and seconded to deny the request for lack of good cause.

D. Bonn/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

CONSIDERATION OF APPOINTMENT OF A RULES COMMITTEE

The matter will be tabled until further notice.

COMMITTEE REPORTS

Application Committee

A motion was made and seconded to accept the application committee report as follows.

G. O'Dell/V. Ross

5/0/0

Motion carried.

Voting in favor: Diana Weisheit, Victoria Ross, Diana Bonn, Gary Odell, Gregory Kenny

COSMETOLOGY

A. By Examination

Capps, Abbrella Faith: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Herbert, Emily Grace: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Johnson, Jeni Clarisa May: APPROVED.

Lodge, Shara M.: APPROVED.

Shockley, Luveesa: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Stewart-Dorris, Tymme: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Swing, Brianna: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Miller, Madison: APPROVED.

Nguyen, Dan: APPROVED.

Nguyen, Huong Thanh: APPROVED.

Wagner, Brianna: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

C. By Provisional Upgrade

Rodriguez, Belkis: Denied, IC 25-1-11-5(b), fraudulent verification of experience.

D. By Provisional

Patel, Sejalben: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

Vo, Duyen Phuoc: Denied, IC 25-8-4-2.9(c), no supervisor.

ESTHETICIAN

A. By Examination

Gillaspy, Brianna: Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year.

MANICURIST

A. By Examination

Nguyen, Long: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

B. By Reciprocity

Chau, Phuong My: Denied, IC 25-8-4-2(a)(2), not substantially equal.

C. By Provisional

Nguyen, Hong Thi Cam: Denied, IC 25-8-11-8, insufficient training and experience.

BARBER

A. By Examination

Barlow, Kyle: APPROVED.

Derring, Elvin: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Green, Sarah C.: APPROVED.

Jimenez, Jr., Francisco: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Stancombe, Gary, III: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

FACILITY APPLICATIONS

A. Beauty Culture Salon

Angel Nail's: 5884 US Highway 6, Portage, IN 46368 (previously denied twice): Denied, IC 25-1-11-19(b) unlicensed practice.

Blush Beauty Bar: Owner Cheyenne N. Buchanan (Starr) (positive response): APPROVED for temporary permit and inspection.

Diva Nails & Spa: 406 Lafollette Street, Floyds Knobs, IN 47119 (previous discipline/failed inspection): Denied, failed inspection.

Hair: Owner Jacqueline Green (positive response): APPROVED for temporary and inspection.

Huntown Gold Barbershop: Owner Damon Gold (positive response): Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Main Street Barber Shop: Owner Jason Peek (positive response): APPROVED for temporary and inspection.

Rell's Place Barbershop: Owner Darrell Thomas, Sr.(positive response): APPROVED pending inspection.

Shubh Beauty: 4650 S. Emerson Avenue, Indianapolis, IN 46203 (failed inspection): Denied, failed inspection.

B. Beauty Culture School

Merrillville Beauty College, Inc.: 48 West 67th Street, Merrillville, IN 46410: Denied, failed inspection.

ADJOURNMENT

The meeting adjourned at 4:38 pm.